

In the Supreme Court of Iowa

FILED

SEP 04 2015

**Request for Public Comment on)
Proposed Amendments to)
Chapters 34, 35, and 36 in)
Division III (Professional)
Regulation) of the Iowa Court)
Rules)**

CLERK SUPREME COURT

Order

The director of the office of professional regulation proposes a recompilation of chapters 34, 35, and 36 in Division III (Professional Regulation) of the Iowa Court Rules.

The proposed recompilation consolidates rules governing procedure before the Iowa Supreme Court Attorney Disciplinary Board in chapter 35. The recompilation would consolidate the rules governing procedure before the Grievance Commission of the Iowa Supreme Court in chapter 36. Chapter 34 would consolidate general administrative provisions, such as rules creating the board and the commission. Other rules of a general nature, such as jurisdiction, limitations of actions, and actions not based on proceedings before the commission would be consolidated in chapter 34.

The primary intent of the recompilation is to make the procedure rules easier to use and includes only a few substantive changes. The recompilation does incorporate existing court policy prohibiting advisory opinions by the board. The recompilation would add a new provision exempting disciplinary proceedings from all statutes of limitation, which is consistent with court precedent in Iowa and ABA model rules. A new jurisdiction provision based on the ABA model rules would clarify when the conduct of former or senior judges is subject to the jurisdiction of the board and the commission. The provision for public release of a commission recommendation of public discipline upon filing with the

clerk of the supreme court is expanded to make clear that equivalent commission recommendations regarding respondents not licensed in Iowa are public upon filing with the clerk. The discovery rule would be amended selectively to incorporate changes in the discovery rules for civil cases adopted and effective January 1, 2015, but the rule would still generally reflect current discovery practice before the commission.

After consideration of the proposed recompilation, the court finds that the proposed amendments to chapters 34, 35, and 36 should be published and that a period should be set for public comment on the proposed recompilation. The proposed recompilation is provided with this order and may be found on the Iowa Judicial Branch website at: www.iowacourts.gov/About_the_Courts/Supreme_Court/Orders/. In addition, copies are available at the office of the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

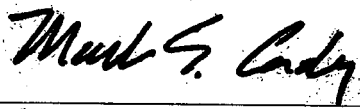
Any interested organization, agency, or person may submit written comments. Comments about a proposed amendment or rule must refer to the specific rule number (for example, Rule 34.6) and the specific numbered line or lines to which the comments are directed. Comments sent by email must be emailed to **rules.comments@iowacourts.gov**, must state “**Recompilation of Chapters 34, 35, and 36**” in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

**The deadline for submitting comments is 4:30 p.m. on
November 4, 2015.**

Dated this 4th day of September, 2015.

The Supreme Court of Iowa

By 
Mark S. Cady, Chief Justice